



State Water Resources Control Board

NOTICE OF PETITIONS FOR CHANGES AND EXTENSIONS OF TIME FOR TRIMONT LAND COMPANY AND NORTHSTAR COMMUNITY SERVICES DISTRICT WATER RIGHT PERMITS 15905, 15906, 16618 AND 16619 (APPLICATIONS 22822, 22823, 23851 AND 23849)

COUNTY: Placer

STREAM SYSTEM: Truckee River

Notice is hereby given that Trimont Land Company (Trimont) and Northstar Community Services District (Northstar CSD) have filed petitions for changes and time extensions for the water right permits listed above with the State Water Resources Control Board (State Water Board or Board). Interested parties may file protests to these petitions by following the procedure described at the end of this notice.

Background

Due to disputes and uncertainties regarding rights to the interstate waters of the Lake Tahoe and Truckee River Basins, the State Water Board held all proceedings concerning water-right permits and licenses in these basins in abeyance while the proceedings and negotiations that ultimately resulted in the Truckee-Carson-Pyramid Lake Water Rights Settlement Act, Pub. Law 101-618, Title II, 104 Stat. 3294-3324 (1990) (Settlement Act) and the Truckee River Operating Agreement (September 2008) (TROA) were pending. On December 1, 2015, the federal watermaster began implementing TROA, and the interstate allocations under the Settlement Act took effect. The diversion, storage, and use of water from the Lake Tahoe and Truckee River Basins under water-right permits and licenses issued by the State Water Board in the future may be conditioned in accordance with the applicable provisions of TROA and the Settlement Act.

Water-right Permits 15905, 15906, 16618 and 16619 each contain a term providing that no extension of time beyond December 1, 1985 to complete application of water to the proposed uses shall be allowed without a hearing before the State Water Board. The petitions for extensions of time described in this notice are subject to this term.

Water Code section 1110 established the Administrative Hearings Office (AHO) within the State Water Board. Water Code section 1112, subdivision (c)(2), provides that the State Water Board may assign adjudicative hearings to the AHO. Subdivision (c)(3) of this section provides that an AHO hearing officer may perform additional work requested by the Board.

E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

On May 1, 2020, Erik Ekdahl, Deputy Director of the State Water Board's Division of Water Rights (Division), sent a memorandum to Eileen Sobeck, the State Water Board's Executive Director, proposing to transfer the petitions pending on Permits 15905, 15906, 16618 and 16619 to the AHO. On May 1, 2020, Ms. Sobeck issued a memorandum assigning these petitions to the AHO.

After the deadline for filing protests described in this notice has passed, the AHO will issue a notice of hearing for the petitions described in this notice. After the AHO hearing officer holds this hearing, the hearing officer will prepare a proposed order and transmit it to the Board for the Board's consideration pursuant to Water Code section 1114.

Permits and Pending Petitions

Permit 15905 (Application 22822)

Application 22822 was filed on June 16, 1967. The State Water Board issued water-right Decision 1342 on June 19, 1969. This decision approved Application 22822. Following this decision, the Division issued Permit 15905 on October 28, 1969. The original permittee was Trimont. The current permittee is Trimont.

Source:

Unnamed Stream tributary to Martis Creek thence Truckee River.

Authorized Point of Diversion:

South 47° East, 3,200 feet from northwest corner of Section 2, T16N, R16E, MDB&M, being within the SE¼ of NW¼ of Section 2.

Authorized Diversion Rates:

1.33 cubic feet per second (cfs) by direct diversion, not to exceed 82 acre-feet per month. Diversions to storage not to exceed 530 acre-feet per year. Total appropriation not to exceed 890 acre-feet in any year.

Authorized Diversion Seasons:

January 1 to December 31 of each year for direct diversions.

October 1 of each year to April 30 of the succeeding year for diversions to storage.

Authorized Purposes of Use:

Recreational and Municipal

Authorized Place of Use:

Includes all or portions of Sections 15, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35 and 36 of T17N, R17E, MDB&M, Sections 2, 3, 4, 5, 6, 7, 8, 9 and 18 of T16N, R17E, MDB&M, and Sections 1, 2, 3, 11, 12, 13, 14 and 23, of T16N, R16E, MDB&M, a total of approximately 15,400 acres, as shown on the map dated June 17, 1967 that is in the Administrative Record for these petitions (described below).

Deadline for Completion of Application of Water to Proposed Uses: December 1, 1985

Permit 15906 (Application 22823)

Application 22823 was filed on June 16, 1967. The State Water Board issued water-right Decision 1342 on June 19, 1969. This decision approved Application 22823. Following this decision, the Division issued Permit 15906 on October 28, 1969. On October 29, 1971, the Division issued an order changing the authorized points of diversion in this permit. The original permittee was Trimont. The current permittee is Northstar CSD.

Sources:

- (1) West Martis Creek tributary to Martis Creek thence Truckee River
- (2) Sawmill Flat Springs tributary to West Martis Creek

Authorized Points of Diversion (as amended by October 29, 1971 order):

- (1) North 580 feet and West 1,750 feet from southeast corner of Section 5, T16N, R17E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5.
- (2) South 2,200 feet and West 2,880 feet from northeast corner of Section 8, T16N, R17E, MDB&M, being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8.

Authorized Diversion Rates:

0.3 cfs by direct diversion, not to exceed 19 acre-feet per month. Diversions to storage not to exceed 88 acre-feet per year. The maximum rate of diversion to offstream storage shall not exceed 1.35 cfs.

Authorized Diversion Seasons:

January 1 to December 31 of each year for direct diversions.
October 1 of each year to April 30 of the succeeding year for diversions to storage.

Authorized Purposes of Use:

Recreational and Municipal

Authorized Place of Use:

Includes all or portions of Sections 31, 32 and 33, T17N, R17E, MDB&M: Sections 4, 5, 6, 7, 8 and 9, T16N, R17E, MDB&M, a total of approximately 4,000 acres, as shown on the map dated June 17, 1967 that is in the Administrative Record for these petitions.

Deadline for Completion of Application of Water to Proposed Uses: December 1, 1985

Permit 16619 (Application 23849)

Application 23849 was filed on August 19, 1971. Permit 16619 was issued on February 21, 1974. The original permittee was Trimont Water Company. The current permittees are Trimont and Northstar CSD.

Sources:

- (1) Unnamed Stream tributary to West Martis Creek
- (2) West Martis Creek thence Martis Creek thence Truckee River

Authorized Points of Diversion:

- (1) South 2,200 feet and West 2,880 feet from the northeast corner of Section 8, T16N, R17E, MDB&M, being within the SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 8.
- (2) North 580 feet and West 1,750 feet from the southeast corner of Section 5, T16N, R17E, MDB&M, being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5.

Authorized Diversion Rates:

2.2 cfs by direct diversion. 180 acre-feet per year by storage. The maximum amount diverted under this permit, together with that diverted under Permits 15905, 15906 and 16618 shall not exceed 2.5 cfs by direct diversion, 710 acre-feet per year for diversions to storage, and a total combined amount by direct diversion and storage of 1,206 acre-feet per October 1 to September 30 water year.

Authorized Seasons:

January 1 to December 31 of each year for direct diversions.

October 1 of each year to May 31 of the succeeding year for diversions to storage.

Authorized Purposes of Use:

Recreational and Municipal

Authorized Places of Use:

Recreational use at Reservoir A located within SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 5, T16N, R17E, MDB&M. Municipal use within all or portions of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 15-21, T16N, R17E, MDB&M, Sections 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T17N, R17E, MDB&M, and Sections 1, 2, 3, 11, 12, 13, 14, 23 and 24, T16N, R16E, MDB&M, a total of approximately 16,352 acres, as shown on the two maps dated September 17, 1971 that are in the Administrative Record for these petitions.

Deadline for Completion of Application of Water to Proposed Uses: December 1, 1985

Permit 16618 (Application 23851)

Application was filed on August 19, 1971. Permit was issued on February 21, 1974. Original permittee was Trimont Water Company. Current permittees are Trimont and Northstar CSD.

Source:

Unnamed springs tributary to unnamed stream thence West Martis Creek thence Martis Creek thence Truckee River

Authorized Point of Diversion:

North 2,470 feet and West 90 feet from the southeast corner of Section 6, T16N, R17E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6.

Authorized Diversion Rates:

2.5 cfs by direct diversion. The maximum amount diverted under this permit, together with that diverted under Permits 15905, 15906 and 16619 shall not exceed 2.5 cfs by direct diversion, 710 acre-feet per year for diversions to storage, and a total combined amount by direct diversion and storage of 1,206 acre-feet per October 1 to September 30 water year.

Authorized Diversion Seasons:

January 1 to December 31 of each year for direct diversions.

October 1 of each year to May 31 of the succeeding year for diversions to storage.

Authorized Purpose of Use:

Municipal

Authorized Place of Use:

Includes all or portions of Sections 2, 3, 4, 5, 6, 7, 8, 9, 10 and 15-21, T16N, R17E, MDB&M, Sections 15, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, T17N, R17E, MDB&M, and Sections 1, 2, 3, 11, 12, 13, 14, 23 and 24, T16N, R16E, MDB&M, a total of 16,352, acres, as shown on the map dated August 3, 1972 that is in in the Administrative Record for these petitions.

Deadline for Completion of Application of Water to Proposed Use: December 1, 1985

Requested Changes

Permit 15905 (Application 22822)

Change Petitions

Petition for Change in Place of Use dated August 21, 1972: This petition seeks to change the authorized place of use for this permit to add 720 acres in portions of Sections 28, 29 and 30, T17N, R17E, MDB&M, as shown on a map dated August 22, 1972 that is in the Administrative Record for these petitions.

Petition for Changes in Point of Diversion, Place of Use and Purpose of Use dated May 1, 2018: This petition seeks to change: (a) the authorized points of diversion in the permit by adding a new point of diversion at an unnamed spring tributary to West Martis Creek (AKA Big Springs tributary to West Martis Creek) in the NE¼ of SE¼ of Section 6, T16N, R17E, MDB&M; (b) the authorized place of use by adding 3,827 acres, as shown on the map dated May 1, 2018, within Sections 1-3, 11-14 and 23-24 of T16N, R16E, MDB&M, Sections 23-26 and 35-36 of T17N, R16E, MDB&M, Sections 4-9 and 18 of T16N, R17E, MDB&M, and Sections 20-21 and 28-33 of T17N, R17E, MDB&M; and (c) the authorized purposes of use to add snowmaking.

Petitions for Extensions of Time

Permittee filed petitions for extensions of time on November 26, 1985, March 6, 1990 and May 1, 2018. Together, these petitions seek an extension of the current December 1, 1985 beneficial use deadline to December 31, 2028.

Permit 15906 (Application 22823)

Change Petitions

Petition for Change in Place of Use dated August 21, 1972: This petition seeks to change the authorized place of use in this permit to add 720 acres in portions of Sections 28, 29 and 30, T17N, R17E, MDB&M, as shown on a map dated August 22, 1972 that is in the Administrative Record for these petitions.

Petition for Change in Point of Diversion dated January 28, 1977: This petition seeks to change the authorized points of diversion for this permit to add the following new point of diversion: North 2,470 feet and West 90 feet from the southeast corner of Section 6, T16N, R17E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6.

Petition for Changes in Point of Diversion, Place of Use and Purpose of Use dated May 1, 2018: This petition seeks to change: (a) the authorized points of diversion in the permit by adding a new point of diversion at an unnamed spring tributary to West Martis Creek (AKA Big Springs Tributary to West Martis Creek) in the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 6, T16N, R17E MDB&M; (b) the authorized place of use by adding 3,827 acres, as shown on the map dated May 01, 2018, which are within Sections 1-3, 11-14, and 23-24 of T16N, R16E, MDB&M, Sections 23-26 and 35-36 of T17N, R16E, MDB&M, Sections 4-9 and 18 of T16N, R17E, MDB&M, and Sections 20-21 and 28-33 of T17N, R17E, MDB&M; and (c) the authorized purposes of use to add snowmaking.

Petitions for Extensions of Time

Permittee filed petitions for extensions of time on November 26, 1985, March 6, 1990 and May 1, 2018. Together, these petitions seek an extension of the current December 1, 1985 beneficial use deadline to December 31, 2028.

Permit 16619 (Application 23849)

Change Petitions

The following change petitions are pending for this permit:

Petition for Change in Point of Diversion dated January 31, 1977: This petition seeks to change the authorized points of diversion for this permit to add the following new point of diversion: North 2,470 feet and West 90 feet from the southeast corner of Section 6, T16N, R17E, MDB&M, being within NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6.

Petition for Changes in Point of Diversion, Place of Use and Purpose of Use dated May 1, 2018: This petition seeks to change: (a) the authorized points of diversion in the permit by adding a new point of diversion at an unnamed spring tributary to West Martis Creek (AKA Big Springs tributary to West Martis Creek) in the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 6, T16N, R17E, MDB&M; (b) the authorized place of use by adding 3,827 acres, as shown on the map dated May 1, 2018, within Sections 1-3, 11-14, and 23-24 of T16N, R16E, MDB&M, Sections 23-26

and 35-36 of T17N, R16E, MDB&M, Sections 4-9 and 18 of T16N, R17E, MDB&M, and Sections 20-21 and 28-33 of T17N, R17E, MDB&M; and (c) the authorized purposes of use to add snowmaking.

Petitions for Extensions of Time

Permittee filed petitions for extensions of time on November 26, 1985, March 6, 1990 and May 1, 2018. Together, these petitions seek an extension of the current December 1, 1985 beneficial use deadline to December 31, 2028.

Permit 16618 (Application 23851)

Change Petitions

The following change petition is pending for this permit:

Place of Use and Purpose of Use dated May 1, 2018: (a) the authorized place of use by adding 3,827 acres, as shown on the map dated May 1, 2018, within Sections 1-3, 11-14, and 23-24 of T16N, R16E, MDB&M, Sections 23-26 and 35-36 of T17N, R16E, MDB&M, Sections 4-9 and 18 of T16N, R17E, MDB&M, and Sections 20-21 and 28-33 of T17N, R17E, MDB&M; and (b) the authorized purposes of use to add snowmaking.

Petitions for Extensions of Time

Permittee filed petitions for extensions of time on November 26, 1985, March 6, 1990 and May 1, 2018. Together, these petitions seek an extension of the current December 1, 1985 beneficial-use deadline to December 31, 2028.

Administrative Record

The AHO has prepared an initial administrative record for these petitions. It contains the documents described in this notice and other documents regarding these applications, permits and petitions. The AHO has posted this initial administrative record on the AHO-FTP site in the folder titled "Trimont Land Co. Northstar CSD", which is in the folder titled "Water-Right Permitting". The AHO's May 5, 2020 Notice of Availability of FTP Site, which the AHO has posted at

https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/2020_05_05_notice_ftp.pdf, describes the AHO-FTP site and how to access it.

Protests

Any person or entity may file a protest to any of these petitions. The protest form can be found here:

https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/petition_protest_form.pdf

Instructions for preparing the protest form are available here:

https://www.waterboards.ca.gov/water_issues/programs/administrative_hearings_office/docs/protest_submittal_info.pdf

A person or entity may file a protest by any of the following methods:

By mail to:

State Water Resources Control Board
Administrative Hearings Office, Mailstop 2-A
P. O. Box 100
Sacramento, CA 95812-0100

The envelope mailing the protest must be postmarked before the deadline listed below.

By e-mail to:

AdminHrgOffice@Waterboards.ca.gov

with "Protest to Trimont Land Co. – Northstar CSD Petitions" in the e-mail subject line. The e-mail must be transmitted before the deadline listed below.

By hand-delivery to:

Administrative Hearings Office
c/o Water Rights Records Unit
Joe Serna Jr. CalEPA Building
1001 I Street, 2nd Floor, Room 114
Sacramento, CA 95814

The hand-delivery must occur before the deadline listed below.

The deadline for filing protests by any of these methods is **4:00 pm on December 18, 2020.**

If you have any questions regarding this notice, then please transmit your questions to the AHO by e-mail at: EXEC-AdminHrgOffice@Waterboards.ca.gov, with "Trimont Land Co. – Northstar CSD Petitions" in the subject line. If you do not have access to e-mail, then you may make your inquiry by letter transmitted to the AHO by U.S. Mail or hand-delivery at the applicable address stated above. Please do not attempt to contact the AHO by telephone.

November 6, 2020

SIGNATURE ON FILE

Presiding Hearing Officer